

**IN THE U.S. DISTRICT COURT FOR MARYLAND,  
SOUTHERN DIVISION**

BEYOND SYSTEMS, INC. )  
Plaintiff )  
v. ) Case No. PJM 08 cv 0921  
WORLD AVENUE USA, LLC, et al. )  
Defendants )  
 )

**DEFENDANT, WORLD AVENUE USA, LLC'S MOTION FOR EXTENSION OF TIME  
TO RESPOND TO  
PLAINTIFF'S THIRD REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendant, WORLD AVENUE USA, LLC (“WAUSA”) hereby moves for an extension of time until Monday, December 6, 2010, in which to serve its Responses and Objections to Plaintiff BEYOND SYSTEMS, INC.’s Third Request for Production of Documents, and, as for “good cause,” states:

1. Plaintiff BSI has filed a Third Request for Production of Documents consisting of forty-five (45) requests for production of documents.
2. Defendant Response is presently due today, November 15, 2010.
3. As the Court may recall, the parties previously agreed to extend to 100 the number of document requests that could be served upon one another. When WAUSA served upon BSI a Fifth Request for Production, BSI objected to the Request in its entirety, taking the position that WAUSA's document requests, including lettered sub-parts, were 106 requests,

excluding the Fifth Request.<sup>1</sup> However, prior to BSI's Third Request for Production, BSI itself had propounded 214 discovery requests and that WAUSA had responded to them all. BSI itself served a First Request for Production with 27 numbered requests and 148 lettered sub-parts, and a Second Request for Production with 39 additional numbered requests, for a total of 214 discovery requests. The Third Request would bring BSI's total discovery requests up to 259.

4. Accordingly, WAUSA believes that the Third Request is a *nullity* as WAUSA has not agreed to respond to 259 document requests and no Court Order has provided otherwise.

5. Setting aside that BSI is in violation of the very discovery limitation that it now seeks to impose on Defendant WAUSA, Defendant WAUSA requires additional time within which to address the 45 additional document requests raised within the Third Request for Production, and believes that an extension is necessary.

6. Defendant WAUSA requests an extension of time until Monday, December 6, 2010, in which to file its Response to the Third Request for Production. BSI will not be prejudiced by any extension since the Third Request for Production was a nullity when served and a violation of BSI's own representations to the Court in opposing WAUSA's Fifth Request for Production.

7. Pursuant to Local Rule 104, counsel for WAUSA has requested the extension from BSI, but counsel for BSI has refused to give the extension. Specifically, rather than grant

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<sup>1</sup> In fact, based on BSI's argument, the Court made the following observation at the September 23, 2010 hearing:

The defense did not obtain consent of the court to exceed the limitations as expressed by the plaintiff on the number of document requests. So, for a lot of reasons, those aspects of this letter request or this letter motion to compel will be denied.

*See* Transcript of September 23, 2010 hearing, p. 94, lines 2-6.

the extension, counsel for BSI would like a stay of virtually all obligations pending settlement discussions. WAUSA does not believe that a stay of virtually of all obligations is appropriate, but that an extension for the Third Request is necessary and appropriate. The discussions were held between Sanford M. Saunders, Jr., on behalf of WAUSA and Stephen H. Ring, on behalf of BSI.

**WHEREFORE**, Defendant WORLD AVENUE USA, LLC respectfully requests entry of an Order extending the time within which to serve its response to BEYOND SYSTEMS, INC.'s Third Request for Production until Monday, December 6, 2010, and for such other and further relief as this Court deems just and appropriate.

November 15, 2010

Respectfully submitted,  
*Attorneys for World Avenue USA, LLC*

/s/John L. McManus

Sanford M. Saunders, Jr., Esq.  
USDC, MD #4734

saunderss@gtlaw.com

Nicoleta Burlacu, Esq.

BurlacuN@gtlaw.com

*Admitted Pro Hac Vice*

GREENBERG TRAURIG, LLP

2101 L Street, NW, Suite 1000

Washington, DC 20037

Telephone: 202-331-3100

Facsimile: 202-331-3101

--and--

Kenneth A. Horky, Esq.

Florida Bar No. 691194

horkyk@gtlaw.com

John L. McManus, Esq.

Florida Bar No. 0119423

mcmansj@gtlaw.com

*Admitted Pro Hac Vice*

GREENBERG TRAURIG, P.A.

401 East Las Olas Boulevard, Suite 2000

Fort Lauderdale, FL 33301

Telephone: 954-765-0500

Facsimile: 954-765-1477